

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1285 because it conflicts with SEA 263-2004 without properly recognizing the existence of SEA 263-2004, has had Engrossed House Bill 1285 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed House Bill 1285 be corrected as follows:

1 Page 3, between lines 37 and 38, begin a new paragraph and
2 insert:

3 "SECTION 6. IC 33-38-6-23, AS ADDED BY SEA 263-
4 2004, SECTION 17, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2004]: Sec. 23. (a) The board of trustees
6 of the public employees' retirement fund shall administer the fund,
7 which may be commingled with the public employees' retirement
8 fund for investment purposes.

9 (b) The board shall **do the following**:

10 (1) Determine eligibility for and make payments of benefits
11 under IC 33-38-7 and IC 33-38-8.

12 (2) In accordance with the powers and duties granted it in
13 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and
14 IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund.

15 **and**

16 (3) Provide by rule for the implementation of this chapter and
17 IC 33-38-7 and IC 33-38-8.

18 (c) A determination by the board may be appealed under the
19 procedures in IC 4-21.5.

20 (d) The powers and duties of:

(1) the director and the actuary of the board;

(2) the treasurer of state;

(3) the attorney general; and

(4) the auditor of state;

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for the name and years of service of a fund participant.

SECTION 7. IC 33-39-7-11, AS ADDED BY SEA 263-2004, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) The board shall administer the fund, which may be commingled with the public employees' retirement fund for investment purposes.

(b) The board shall do the following:

(1) Determine eligibility for and make payments of benefits under this chapter.

(2) In accordance with the powers and duties granted the board in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund.

(3) Provide by rule for the implementation of this chapter.

(c) A determination by the board may be appealed under IC 4-21.5.

(d) The powers and duties of:

(1) the director and the actuary of the board;

(2) the treasurer of state;

(3) the attorney general; and

(4) the auditor of state;

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing

- 1 officers, to assist in the implementation of this chapter.
- 2 **(f) Fund records of individual participants and participants'**
- 3 **information are confidential, except for the name and years**
- 4 **of service of a fund participant."**
- 5 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1285 as reprinted February 26, 2004.)

Senator GARTON, Chairperson

Senator YOUNG, R.M.M.

Senator HARRISON